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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,729

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Ikuko Kobayashi

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04/25/2006

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1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/743,729

Applicant(s)

KOBAYASHI ET AL.

Examiner

Matthew T. Henning

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2131

1 This action is in response to the communication filed on 3/22/2006.

2 **DETAILED ACTION**

3 *Continued Examination Under 37 CFR 1.114*

4 A request for continued examination under 37 CFR 1.114, including the fee set forth in  
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is  
6 eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)  
7 has been timely paid, the finality of the previous Office action has been withdrawn pursuant to  
8 37 CFR 1.114. Applicant's submission filed on 3/22/2006 has been entered.

9 *Response to Arguments*

10 Applicant's arguments with respect to claims 1-17 have been considered but are moot in  
11 view of the new ground(s) of rejection.

12 Claims 1-17 have been examined.

13 All objections and rejections not set forth below have been withdrawn.

14 *Claim Rejections - 35 USC § 112*

15 The following is a quotation of the second paragraph of 35 U.S.C. 112:

16 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the  
17 subject matter which the applicant regards as his invention.

18  
19 Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for  
20 failing to particularly point out and distinctly claim the subject matter which applicant regards as  
21 the invention.

22 Claim 1 recites the limitation "said stream apparatus" in line 3. There is insufficient  
23 antecedent basis for this limitation in the claim. For the purposes of searching prior art the  
24 examiner will assume that the limitation was meant to read "a stream apparatus".



Art Unit: 2131

1           Claims 1-9, and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
2   Wiegel (US Patent Number 6,484,261), in view of Even et al. (US Patent Application  
3   Publication 2004/0114612) hereinafter referred to as Even, as evidenced by Slavin et al. (US  
4   Patent Number 6,675,193) hereinafter referred to as Slavin.

5           Regarding claim 1, Wiegel disclosed a stream server apparatus (See Wiegel Fig. 1  
6   Element 116 and Col. 10 Lines 44-59) connected to a first network (See Wiegel Fig. 1 Element  
7   104) and a second network (See Wiegel Fig. 1 Element 112) comprising: wherein said stream  
8   [server] apparatus is connected to a first client apparatus (See Wiegel Fig. 1 Elements 100a –  
9   100n) connected to said first network via a first path (See Wiegel Fig. 1 Elements 116, 104, 102,  
10   and 100) and a second client apparatus (See Wiegel Fig. 1 Elements 114) connected to said  
11   second network via a second path through said first network and a firewall apparatus (See  
12   Wiegel Fig. 1 Elements 116, 104, 106, 108, 110, 112, and 114 and Col. 10 Lines 60-66), a first  
13   interface which transmits and receives data packets to and from said first client apparatus via the  
14   first path (See Wiegel Col. 10 Lines 55-59 and Fig. 1 Elements 116, 104, 102a, and 100a) and  
15   being capable of transmitting and receiving control request packets to and from said second  
16   client apparatus via said second path (Not prohibited by Wiegel and therefore capable) but  
17   Wiegel failed to specifically disclose the first interface transmitting and receiving packets to and  
18   from the second client apparatus via said second path. However, it was well known in the art  
19   that remote clients could communicate with local servers, and therefore it would have been  
20   obvious to the ordinary person skilled in the art to have allowed communications between the  
21   local server and the remote end stations 114 of Wiegel. This is evidenced by Slavin in Col. 4

1 Lines 51-65. As such, Wiegel disclosed that communications with remote end stations 114 occur  
2 through the firewall 106 (See Wiegel Col. 10 Line 60 – Col. 11 Line 10).

3 Wiegel further failed to disclose a third path from the server to the second client without  
4 a firewall apparatus, a second interface which transmits and receives data packets to and from the  
5 second client apparatus via the third path (112) different from the first network; a stream  
6 transport management module which specifies said first interface or said second interface in  
7 accordance with a network attribute of the first client apparatus or said second client apparatus;  
8 and a process module which executes a communication process based on the communication  
9 protocols related to said first and second client apparatuses via said first interface or the second  
10 interface. Wiegel did however specify that the communications could be UDP (See Wiegel Col.  
11 12 Lines 5-15).

12 Even teaches that firewalls block certain types of communications, such as UDP (See  
13 Even Paragraphs 0007 - 0009), and that in order to stream UDP messages a multimedia  
14 communications control unit can be set up on a separate connection than the firewall in order to  
15 bypass the security settings of the firewall (See Even Paragraph 0017) and that in order to set up  
16 the connection, the remote client makes requests through the firewall (See Even Paragraph  
17 0017), and the data is streamed through the multimedia communications control unit and around  
18 the firewall (See Even Paragraph 0017).

19 It would have been obvious to the ordinary person skilled in the art at the time of  
20 invention to employ the teachings of Even in the communication system of Wiegel by setting up  
21 a separate connection via a multimedia communications control unit to the remote end stations in  
22 order to communicate UDP packets. This would have been obvious because the ordinary person

Art Unit: 2131

1 skilled in the art would have been motivated to provide a means for allowing UDP streams, or  
2 other communication types blocked by the firewall, to securely bypass the firewall.

3 Regarding claims 2-3, the combination of Wiegel and Even disclosed that the process  
4 module executes a stream data distribution process based on a same communication protocol for  
5 both the [first] client apparatus[es] belonging to the first network and the another relevant one of  
6 the client apparatuses belonging to the second network different from the first network and that  
7 the protocol uses UDP (See Wiegel Col. 12 Lines 5-15 and Even Paragraphs 0007-0009).

8 Regarding claim 4, the combination of Wiegel and Even disclosed a control request  
9 reception unit which notifies an ID of the interface specified by said stream transport  
10 management module to the client apparatuses (See Even Paragraphs 0026 and 0028 - 0030).

11 Regarding claim 5, the combination of Wiegel and Even disclosed that the stream  
12 transport management module specifies said first interface, if a client apparatus of the client  
13 apparatuses belongs to the second network different from the first network for which the firewall  
14 apparatus inhibits illegal accesses and if the communication protocol includes a reception  
15 process of a packet on a side of the stream server apparatus (See Even Paragraph 0017 and  
16 Wiegel Col. 10 Lines 55-59).

17 Regarding claim 6, the combination of Wiegel and Even disclosed that the stream  
18 transport management module specifies said second interface, if a client apparatus of the client  
19 apparatuses belongs to the second network different from the first network for which the firewall  
20 apparatus inhibits illegal accesses and if the communication protocol does not include a  
21 reception process of a packet on a side of the stream server apparatus (See Even Paragraph  
22 0017).

1           Regarding claim 7, the combination of Wiegel and Even disclosed that the stream  
2 transport management module specifies said second interface, if a client apparatus of the client  
3 apparatuses belongs to the second network different from the first network for which the firewall  
4 apparatus inhibits illegal accesses and if the communication protocol is a stream data distributing  
5 protocol (See Even Col. 0017).

6           Regarding claim 8, the combination of Wiegel and Even disclosed that the stream  
7 transport management module specifies said first interface, if a client apparatus of the client  
8 apparatuses belongs to the same network as a network to which the stream server apparatus  
9 belongs (See Wiegel Col. 10 Lines 55-59).

10           Regarding claim 9, the combination of Wiegel and Even disclosed that said control  
11 request reception unit notifies the client apparatuses of the ID of the specified interface, said ID  
12 being not a local ID distinguishable by the first network for which the firewall apparatus inhibits  
13 illegal accesses but a global ID capable of being translated into a local ID by a network relay  
14 apparatus en route to a client apparatus requested stream data distribution (See Even Paragraphs  
15 0026 and 0028-0030).

16           Claim 11 is rejected for the same reasons as claim 1 above and further because the server  
17 was depicted as being attached to a network (See Wiegel Fig. 1).

18           Claim 12 is rejected for the same reasons as claim 1 above and further because the system  
19 used software to implement the functionality (See Even Paragraph 0058).

20           Claim 13 is rejected for the same reasons as claims 1-3 above.

21           Regarding claims 14-17, Wiegel and Even disclosed that said stream transport  
22 management module specifies the first or second interface in accordance with a network address



Art Unit: 2131

1 of the first or second network received from the first or second client apparatus via the first or  
2 second path (See Even Paragraphs 0026 and 0028-0030).

3 Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination  
4 of Wiegel and Even as applied to claim 1 above, and further in view of Day et al. (US Patent  
5 Number 5,996,025) hereinafter referred to as Day.

6 The combination of Wiegel and Even disclosed a stream transport processing unit for  
7 executing stream data distribution to the client apparatus based upon one stream data distribution  
8 protocol (See Even Paragraph 0017) but failed to disclose a bandwidth management processing  
9 unit in the server for executing bandwidth control communication based on a control program for  
10 controlling a bandwidth of the stream data distribution.

11 Day teaches that in a streaming system, in order to ensure quality of service to the  
12 connected clients a bandwidth manager should be employed in the server (See Day Col. 2 Lines  
13 62-66).

14 It would have been obvious to the ordinary person skilled in the art at the time of  
15 invention to employ the teachings of Day in the server system of Wiegel, and Even by providing  
16 bandwidth management at the server. This would have been obvious because the ordinary  
17 person skilled in the art would have been motivated to optimize server resource use without  
18 degrading the services already in progress.

19 ***Conclusion***

20 Claims 1-17 have been rejected.

Art Unit: 2131

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Matthew Henning  
Assistant Examiner  
Art Unit 2131  
4/19/2006

CHRISTOPHER REVAK  
PRIMARY EXAMINER

*CR* 4/20/06